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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,144	07/26/2001	Maurice J. Ouellette	11ME-491	2730

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EXAMINER

KIM, PAUL L

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 04/23/2003

113

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,144

Applicant(s)

OUELLETTE ET AL. *h*

Examiner

Paul L Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, and 9-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lightbody et al et al.

With reference to claims 1 and 2, Lightbody et al teaches a method for creating a secure program history log comprising communicating input program parameters to the microprocessor in a programming event (fig. 1, part 22), using the processor and program parameters to create a log entry as the input parameters are communicated (col. 14, lines 50-52 and col. 9, lines 43-50), and writing the log entry into a program history log (col. 14, lines 53-55).

With reference to claims 3 and 14, Lightbody et al teaches the log entry comprising log entry information including date and time (col. 14, lines 55-56).

With reference to claims 4, 6, 10, and 15, Lightbody et al teaches preventing alteration of the log entry after it is written (col. 7, lines 50-57 and col. 14, lines 31-47).

With reference to claim 7, Lightbody et al teaches program history logs being read through a communication port (fig. 1, part 22).

With reference to claim 9, Lightbody et al teaches communicating program parameters to a first computer (col. 5, lines 7-10), executing a programming software to program the device based on the parameters (col. 7, lines 12-15), creating a record

using the software and parameters (col. 7, lines 15-21), and storing the record in a second memory device (fig. 1, part 74).

With reference to claim 11, Lightbody et al teaches the device being an electricity meter (fig. 1, part 10) with parameters being communicated to the microprocessor for determining energy consumption data outputs (col. 2, lines 48-54).

With reference to claims 12-14, 16, 18, and 20, Lightbody et al teaches an electronic electricity meter comprising a communication port configured to receive meter input parameters in a programming event (fig. 1, part 22), a microprocessor configured to receive meter input parameters from the communications port and determine energy consumption data outputs based on the input parameters (fig. 5, parts 23 & 146 and col. 9, lines 10-27), the microprocessor configured to create a program history log entry when the input parameters are received in a programming event (col. 14, lines 50-55), and a memory device connected to the microprocessor and comprising a program history log to record changes to the input parameters, the microprocessors further configured to write the log entry into the history log (fig. 11b, parts 139 & 489) comprising a date and time stamp (col. 14, lines 55-56).

With reference to claims 17 and 21, Lightbody et al teaches the meter configured to allow reading of the program history log through the communications port and to prohibit direct input into the log from the communications port (col. 7, lines 50-57).

With reference to claims 19 and 22, Lightbody et al teaches a memory for storing a history log (fig. 11b, part 489) and another memory for storing input parameters (col. 10, lines 23-26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lightbody et al in view of Bui et al.

Lightbody et al teaches a memory log for recording data histories but does not teach the memory log overwriting the oldest log entry with a new log entry when the history log is full. Bui et al teaches a method of synchronizing data sets on a recording media that overwrites the oldest data entry with a new entry when the cache or memory is full (col. 5, lines 35-45). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Lightbody et al, so that data entries are overwritten, as taught by Bui et al, in order to be able to continue recording entries when the memory runs out of space.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art.Unit: 2857

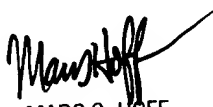
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al teaches a digital electricity meter that can be programmed from an external source.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
April 17, 2003


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800